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10/796,972	03/11/2004	Masaya Yamamoto	2004_0392A	4039
513 7590 04/18/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021				
EXAMINER				
SAN JUAN, MARTINERIKO P				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/796,972

Applicant(s)

YAMAMOTO ET AL.

Examiner

MARTIN JERIKO P. SAN JUAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is a response to Applicant's Amendments filed on November 30, 2007.

Claims 1-12 were originally received. Claims 4-6 had originally been amended and claims 13-18 had originally been added to remove multiple claim dependencies.

Claims 1-18 were originally pending.

Claims 1-18 were rejected on July 30, 2007.

Claims 1-18 were cancelled. New claims 19-37 had been added.

Claims 19-37 are originally pending.

Response to Arguments

1. Applicant's arguments, see Remarks, filed November 30, 2007, with respect to the rejection(s) of claim(s) 1-18 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nonaka et al. [US 7073073 B1].

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 19-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Nonaka et al. [US 7073073 B1], hereinafter Nonaka.

Regarding claim 28, Nonaka teaches a content playback method used in a playback terminal for playing back content, the content playback method comprising: reading encrypted content from a portable medium [US 7073073 B1, Col 51, Ln 14-25], the encrypted content being data generated by encrypting the content so that one of (a) medium information pre-stored on the portable medium [US 7073073 B1, Col 32, Ln 26-55] and (b) rights information managed by an external license server is required for decrypting the encrypted content [US 7073073 B1, Col 32, Ln 26-55], the rights information including usage rights for the content [US 7073073 B1, Col 32, Ln 45-52]; judging whether or not the rights information is required for decrypting the encrypted content [US 7073073 B1, Col 52, Ln 13-17]; reading the medium information from the portable medium [US 7073073 B1, Col 51, Ln 20-35]; acquiring the rights information from the external license server [US 7073073 B1, Col 54, Ln 22-47]; and a decryption step of decrypting the encrypted content using the medium information and without using the rights information when it is judged that the rights information is not required [US 7073073 B1, Col 56, Ln 9-53] [US 7073073 B1, Col 46, Ln 5-35], and

decrypting the encrypted content using the rights information when it is judged that the rights information is required [US 7073073 B1, Col 56, Ln 9-53] [US 7073073 B1, Col 46, Ln 5-35].

Regarding claim 29, Nonaka teaches the content playback method of claim 28, wherein the medium information includes a media key [US 7073073 B1, Col 51, Ln 20-25], and the decryption step includes: a content key obtaining sub-step of, when it is judged that the rights information is not required, obtaining the media key from the medium information [US 7073073 B1, Col 51, Ln 20-25] and, using the obtained media key, obtaining a first content key used in decrypting of the encrypted content [US 7073073 B1, Col 50, Ln 19-65] [US 7073073 B1, Fig 29B]; and a content decryption sub-step of, when it is judged that the rights information is not required, decrypting the encrypted content using the first content key [US 7073073 B1, Col 56, Ln 9-53] [US 7073073 B1, Col 46, Ln 5-35].

Regarding claim 30, Nonaka teaches the content playback method claim 29, wherein the content key obtaining sub-step includes, when it is judged that the rights information is required [US 7073073 B1, Col 54, Ln 22-47], obtaining a second content key used in decrypting of the encrypted content [US 7073073 B1, Col 51, Ln 42-56], using the rights information [US 7073073 B1, Col 52, Ln 13-26], and the content decryption sub-step includes, when it is judged that the rights information is required, decrypting the

encrypted content using the second content key [US 7073073 B1, Col 56, Ln 9-53].

Regarding claim 31, Nonaka teaches the content playback method of claim 30, wherein the rights information includes a rights key [US 7073073 B1, Col 51, Ln 46-56], and the content key obtaining sub-step includes, when it is judged that the rights information is required, obtaining the second content key using the rights key [US 7073073 B1, Col 51, Ln 29-35] [US 7073073 B1, Col 56, Ln 9-17].

Regarding claim 32, Nonaka teaches the content playback method of claim 31, wherein the content key obtaining sub-step includes, when it is judged that the rights information is required, obtaining the second content key using both the rights key and the media key [US 7073073 B1, Col 53, Ln 1-21].

Regarding claim 33, Nonaka teaches the content playback method of claim 30, wherein the portable medium further has stored thereon key obtaining information [US 7073073 B1, Col 32, Ln 45-52] indicating whether or not the rights information is required for obtaining a key used for decrypting the encrypted content [US 7073073 B1, Col 52, Ln 13-17], and the content playback method further comprises: reading the key obtaining information from the portable medium [US 7073073 B1, Col 45, Ln 32-36], wherein the judging comprises judging whether or not the rights information is required for decrypting the encrypted content [US 7073073 B1, Col 45, Ln 61-67], based on the key

obtaining information [US 7073073 B1, Col 54, Ln 22-27].

Regarding claim 34, Nonaka teaches the content playback method of claim 29, wherein the decryption step includes, when it is judged that the rights information is necessary, performing decryption of the encrypted content only when the acquiring has already acquired the rights information [US 7073073 B1, Col 53, Ln 65 thru Col 54, Ln 3] and the rights information indicates that usage of the content is permitted [US 7073073 B1, Col 54, Ln 22-27].

Regarding claim 36, Nonaka teaches the content playback method of claim 29, wherein the portable medium further has stored thereon information [US 7073073 B1, Col 32, Ln 45-52] indicating whether or not the rights information is required for decrypting of the encrypted content [US 7073073 B1, Col 52, Ln 13-17], and the content playback method further comprises: reading the information from the portable medium [US 7073073 B1, Col 45, Ln 32-36], wherein the judging comprises judging whether or not the rights information is required for decrypting the encrypted content [US 7073073 B1, Col 45, Ln 61-67], based on the information [US 7073073 B1, Col 54, Ln 22-27].

Claims 19-27 are rejected because it is similar matter to claims 28-36.

Claim 37 is rejected because it is similar matter being the recording medium of claim 28.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
1. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka, and further in view of Belenko et al. [US 2002/0114458 A1], hereinafter Belenko.

Regarding claim 35, Nonaka teaches the content playback method of claim 29, wherein the content key obtaining sub-step includes, when it is judged that the rights information is not required, obtaining the media key [Col 51, Ln 20-25].

Nonaka does not explicitly teach the playback terminal includes a holding unit operable to hold device unique information that is unique to the playback terminal, the media key is in an encrypted state, having been encrypted using the device unique information,

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and, obtaining the media key by decrypting the encrypted-state media key using the device unique information.

Belenko teaches a playback terminal includes a holding unit operable to hold device unique information that is unique to the playback terminal, the media key is in an encrypted state, having been encrypted using the device unique information, and, obtaining the media key by decrypting the encrypted-state media key using the device unique information. [US 2002/0114458 A1, Pg 2, Par 0026]

It would have been obvious to one of ordinary skilled in the art at the time of invention to modify Nonaka by encrypting the media key with a device's unique information as taught by Belenko. The suggestion/motivation would have been to provide a copy protection method that protects a digital content by allowing only compliant devices [US 2002/0114458 A1, Pg 1, Par 0013]. Belenko is analogous art because it is in the same field of protecting digital content and it solves the problem of allowing only compliant devices.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARTIN JERIKO P. SAN JUAN whose telephone number is (571)272-7875. The examiner can normally be reached on M-F 8:30a - 6:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MJSJ/

Martin Jeriko San Juan
Examiner. Art Unit 2132

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2132